

**REMARKS**

Claims 1-54 were presented for examination, and claims 1-54 stand rejected. Thus, claims 1-54 are presently pending in this application, of which claims 1, 15, 26, 36, 41, 47, and 54 are independent. Claims 1, 26 and 41 have been amended. No new matter has been added. Applicant submits that pending claims 1-54 are in condition for allowance. Applicant urges the Examiner to pass the claims to allowance in view of the amendments and remarks set forth below.

**Claim Rejections Under 35 U.S.C. §102**

Claims 1-35 and 41-53 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sui (WO 01/29747). Claims 36-40 and 54 stand rejected under 35 U.S.C. §102(b) as being anticipated by Browne (US 5,598,849). Applicant respectfully traverses these rejections.

**Summary of Sui (WO 01/29747)**

Sui is directed to a method for arranging sporting events at a website according to the type of sporting events and the level of players through Internet, and an advertising method at the sports website, are disclosed. The sporting events arranging method is achieved by (a) establishing a sports website, (b) receiving entries from users, (c) setting information on sporting events including the time, place and players of sporting events, and (d) recording and displaying the results of the sporting events at website. Thus, sporting events can be divided by areas, seasons, ages, sexes and vocations so that a variety of sporting events can be arranged and managed.

**Summary of Browne (US 5,598,849)**

Browne is directed to a fitness monitoring system that comprises a personal exercise monitoring device which is preprogrammed with data to guide a user in a desirable exercise regime. The monitoring device includes communication means enabling connection to a central computer system for downloading data recorded during an exercise session to the central computer. The central computer has stored information enabling it to compare this information and that sent by the monitoring device to provide performance reports. These enable feedback to the user via a personal trainer.

Patentability of Independent Claims 1 and 41

In order for a reference to anticipate a claim under 35 U.S.C. §102(e), the cited reference must disclose each and every element of the claims. Sui does not disclose each and every element of claims 1 and 41.

The present invention is directed to matching individuals with other individuals to partner with in fitness activities. Independent claims 1 and 41 are directed to a method and medium claim respectively. The claims been amended to clarify that each user has a user profile and the examination of user profiles to match at least two selected ones of the users for a scheduled fitness activity is based on the user profiles of each of the selected ones of the users. That is, the claimed invention examines user profiles for each individual user to match at least a first selected user to a second selected user for a scheduled fitness activity based on the profiles of each the first and second selected user. As such, the claimed invention provides a fitness enabling and motivation service which enables users to find a matched partner to participate in a scheduled fitness activity. Applicant contends that Sui fails to disclose these features set forth in claim 1 and 41.

The Examiner seems to be confusing teams with individual users (members) and as such is equating information about a team in Sui to user profile in the present invention. This is surprising as Sui makes a distinction between teams and individual users (members).

Sui is focused on managing team sporting leagues. Sui keeps track of the rosters of the sport teams, the skill levels of the sport teams, the records of the sport teams, and the scheduling of games for the sport teams. Indeed the focus of Sui is entirely on managing competitive team sports. Sui uses team information rather than profiles of each user (member) to achieve this. Sui does not disclose matching a first user (member) with a second user (member) based on the user profiles of each user (member). The passage of Sui cited by the Examiner discloses a member searching for a sports team to join. This is not the same as being matched with another member for an activity *based on the profile of each member*. The passage cited by the examiner discloses a member being matched to a team based on the information about the team. Indeed Sui makes no disclosure whatsoever of being able to

match a first user with a second user for a non-team sport activity, like hiking, based on the profiles of each user as set forth in the present application.

Thus Sui fails to disclose examining the user profiles to match at least two selected ones of the users for a scheduled fitness activity based on the user profiles of each of the selected ones of the users as set forth in claims 1 and 41.

As Sui fails to disclose each and every element of amended claims 1 and 41, Applicants respectfully submit that amended claims 1 and 41 are not anticipated by Sui. Applicants therefore request the Examiner withdraw the rejections of claims 1 and 41 under 35 U.S.C. §102 (e), and pass the claims to allowance.

#### Patentability of claims 2-14 and 42-46

Claims 2-14 and 42-46 depend from either claim 1 or claim 41 and as such incorporate each and every element of either amended claim 1 or amended claim 41. As set forth above, Sui fails to disclose each and every element of amended claims 1 and 41. Therefore Sui fails to disclose each and every element of claims 2-14 and 42-46.

In light of the forgoing comments, Applicants respectfully submit that claims 2-14 and 42-46 are not anticipated by Sui. Applicants therefore request the Examiner withdraw the rejections of claims 2-14 and 42-46 under 35 U.S.C. §102 (e), and pass the claims to allowance.

#### Patentability of Independent Claims 15 and 47

As stated previously, the present invention is directed to matching individual users with other individual users to partner in fitness activities. Independent claims 15 and 47 are directed to a method and medium claim respectively. These independent claims recite a method for providing a user interface that enables a user to request a suitable partner for a fitness activity, conducting a search of candidate partners to locate a suitable partner, and returning to the user a list of any suitable partners. As such, the claimed invention enables a first user to find a suitable second user to participate together in a fitness activity. Applicant contends that Sui does not disclose each and every element of the claimed invention set forth in claims 15 and 47.

As discussed in regards to claim 1 and 41, the Examiner seems to be confusing teams with individual users (members) and as such is equating information about a team in Sui to user profile in the present invention. This is surprising as Sui makes a distinction between teams and individual users (members).

Sui does not disclose providing a user interface that enables a user to request a suitable partner for a fitness activity. Instead, Sui provides a user interface that allows a user to find a suitable sports team to join. The user interface of Sui is used to set up or find a sports team to join. This is not the same as allowing a user to *request a suitable partner* for a fitness activity. Sui allows for searching to find a team to join. As such, the user interface of Sui does not enable a user to *request a suitable partner*. Therefore, Sui fails to teach or suggest providing a user interface that enables a user to request a suitable partner for a fitness activity as set forth in claims 15 and 47.

As Sui fails to disclose each and every element of claims 15 and 47, Applicants respectfully submit that claims 15 and 47 are not anticipated by Sui. Applicants therefore request the Examiner withdraw the rejections of claims 15 and 47 under 35 U.S.C. §102(e), and pass the claims to allowance.

#### Patentability of claims 16-25 and 48-53

Claims 16-25 and 48-53 depend from either claim 15 or claim 47 and as such incorporate each and every element of either claim 15 or claim 47. As set forth above, Sui fails to disclose each and every element of claims 15 and 47. Therefore Sui fails to disclose each and every element of claims 16-25 and 48-53.

In light of the forgoing comments, Applicants respectfully submit that claims 16-25 and 48-53 are not anticipated by Sui. Applicants therefore request the Examiner withdraw the rejections of claims 16-25 and 48-53 under 35 U.S.C. §102(e), and pass the claims to allowance.

#### Patentability of Independent Claim 26

Independent claim 26 is directed towards a method performed in a computer system to provide a web site including a matching facility and a scheduling facility. Claim 26 has

been amended to clarify that the matching facility identifies persons that are well matched to a first user for a particular type of fitness activity based on user profiles for each of the first user and well-matched persons. The scheduling facility schedules fitness activities among persons. The claimed invention uses the matching facility to identify at least one person that is well-matched to the user for a first type of fitness activity based on the user profiles for each user, and uses the scheduling facility to schedule a first event of the first type of fitness activity between participants, including the first user and the well-matched person. Applicant contends that Sui does not disclose each and every element of the claimed invention.

As discussed above, the Examiner seems to be confusing teams with individual users (members) and as such is equating information about a team in Sui to user profile in the present invention. This is surprising as Sui makes a distinction between teams and individual users (members).

Sui fails to teach or suggest identifying at least one person that is well-matched to the user for a first type of fitness activity based on user profiles for the user and the at last one person. Rather, Sui allows a user to search for sport teams to join. In contrast to the claimed invention, Sui does not identify a person that is well-matched to another person for a first type of fitness activity *based on the user profiles of each of the user and person being matched to the user*. As discussed above, Sui is focused on managing team sport leagues. There is no disclosure or provision in Sui for matching one user to another user based on the user profiles of each of the users. Therefore, Sui fails to disclose identifying at least one person that is well-matched to the user for a first type of fitness activity based on user profiles as set forth in claim 26.

As Sui fails to disclose each and every element of amended claim 26, Applicants respectfully submit that amended claim 26 is not anticipated by Sui. Applicants therefore request the Examiner withdraw the rejection of claim 26 under 35 U.S.C. §102(e), and pass the claim to allowance.

#### Patentability of claims 27-35

Claims 27-35 depend from claim 26 and as such incorporate each and every element of claim 26. As set forth above, Sui fails to disclose each and every element of claim 26. Therefore Sui fails to disclose each and every element of claims 27-35.

In light of the forgoing comments, Applicants respectfully submit that claims 27-35 are not anticipated by Sui. Applicants therefore request the Examiner withdraw the rejections of claims 27-35 under 35 U.S.C. §102(e), and pass the claims to allowance.

Patentability of Independent Claims 36 and 54

Independent claims 36 and 54 are directed to a method and medium claim respectively. These independent claims recite a method for prompting a participant in a fitness activity for feedback regarding a selected participant in the fitness activity. In response to the prompting, the feedback regarding the selected participant is obtained. The method makes information regarding the feedback available to parties that are considering scheduling a fitness activity with the selected participant. Applicant contends that Browne does not disclose each and every element of the claimed invention.

Browne fails to disclose prompting a participant in a fitness activity for feedback regarding a selected participant in the fitness activity. Browne discloses preparing a report on the user and providing a voice recording mechanism for personal trainer to leave comments for a user. Browne does not disclose prompting the personal trainer for feedback such as disclosed form 380 in Figure 15 in the present application. Applicants disagree with Examiner's equating providing a voice recording mechanism with "prompting" as recited in the claim. While the voice recording mechanism may be present in Browne, there is no "prompting" for using the voice recording mechanism in Browne. Since there is no prompting for feedback in Browne, Browne also fails to disclose obtaining feedback in response to the prompting.

Browne also does not disclose making information regarding the feedback available to parties that are considering scheduling a fitness activity with the selected participant. As discussed above, the purpose of the present invention is to match a first user with a second user for a fitness activity. Providing feedback on users can be useful in matching users or participants. Browne is not directed to such a method or system of matching participants for a fitness activity. Thus there is no need in Browne for making feedback information available to other users. As such, Browne fails to disclose making the information regarding the feedback available to parties interested in scheduling a fitness activity with the selected participant.

As Browne fails to disclose each and every element of claims 36 and 54, Applicants respectfully submit that claims 36 and 54 are not anticipated by Browne. Applicants therefore request the Examiner withdraw the rejection of claims 36 and 54 under 35 U.S.C. §102(b), and pass the claims to allowance.

Patentability of claims 37-40

Claims 37-40 depend on and incorporate all the patentable limitations of independent claim 36. As set forth above, Browne fails to disclose each and every element of claim 36. Therefore Browne fails to disclose each and every element of claims 37-40.

In light of the forgoing comments, Applicants respectfully submit that claims 37-40 are not anticipated by Browne. Applicants therefore request the Examiner withdraw the rejections of claims 37-40 under 35 U.S.C. §102(b), and pass the claims to allowance.

**CONCLUSION**

In view of the remarks set forth above, Applicant contends each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the claims to allowance.

If the Examiner deems there are any remaining issues, we invite the Examiner to call the Applicant's Attorney at the telephone number identified below.

Respectfully submitted,  
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